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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,907	02/13/2002	Joel S. Douglas	032994-050	1881

7590 10/23/2002

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EXAMINER

GHAFOORIAN, ROZ

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,907

Applicant(s)

DOUGLAS ET AL.

Examiner

Roz Ghafoorian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first, second, and third flow channels (claims 2-5) are not labeled in any of the drawings and must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-10, 14 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 8 recites the limitation "the proximal end" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- b. Claim 14 recites the limitation "the distal end" in line 2, and "the proximal end" in line 3. There is insufficient antecedent basis for these limitations in the claim.
- c. Claim 17 recites the limitation "a target area" in line 3, and "the patient" in line 13. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 11-12, 15-18 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent No.6142446 to Leinsing.

Leinsing teaches an infusion system with a housing 60 and a connecting hub 14a, the connecting hub 14a having an internal Y-shaped flow channel structure. The flow channels comprises of a first flow channel 20 connected to a proximal end of infusion cannula and exit the distal end of the hub, a second flow channel 24 exit form proximal end of the hub and a third flow channel 22 exit form a proximal end of the hub. An infusion cannula may be received in the distal end of the housing 60. The connecting hub 14a is attached to the proximal end of a housing 60 via fasteners 28. The channel

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in housing 60 is tapered (as demonstrated by figure 8a the channel gets larger (tapered) at the distal end).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 13-14, 19 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over, U.S Patent No.6142446 to Leinsing and further in view of U.S Patent No.6056718 to Funderburk.

As mentioned above Leinsing teaches an infusion system with a housing 60 and a connecting hub 14a, the connecting hub 14a having an internal Y-shaped flow channel structure. The flow channels comprises of a first flow channel 20 connected to a proximal end of infusion cannula and exit the distal end of the hub, a second flow channel 24 exit form proximal end of the hub and a third flow channel 22 exit form a proximal end of the hub. An infusion cannula may be received in the distal end of the housing 60. The connecting hub 14a is attached to the proximal end of a housing 60 via fasteners 28. The channel in housing 60 is tapered (as demonstrated by figure 8a the channel gets larger (tapered) at the distal end).

However, Leinsing does not teach a the connecting hub attached to the housing via fasteners with fingers; a connection with pins or bores on the proximal end of the housing, and pins or bores on the distal end of the hub; a sputum in thou housing; or a

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plugging system. Funderburk teaches a the connecting hub attached to the housing via fasteners with fingers; a connection with pins or bores on the proximal end of the housing, and pins or bores on the distal end of the hub; a sputum 36 in thou housing; or a plugging system 36.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have combined these two studies, because according to Funderburk the connection with fingers, pins and bores secures the connection so a it resists high strength interconnection to bending or twisting force. (Co.3, lines 15-20) furthermore to adding the sputum/plug system will stop the back flow of blood in the housing hence decreasing hemotomas in the patient.

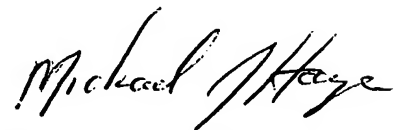
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Ghafoorian whose telephone number is 703-305-2336. The examiner can normally be reached on 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



RG
October 17, 2002



MICHAEL J. HAYES
PRIMARY EXAMINER